

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

CHARLES MORROW, MICHAEL )	
OVERTON, JAMES MARTY SMITH, )	
DWAYNE CLEVELAND, MICHAEL SMITH, )	
MARK MURPHY, DOUG BRANCH, LEW )	
BAXTER, RICKY SMALL, MELVIN SNOW, )	
GREG PATISAUL and GARY CHAMBLISS, )	
Individually and on behalf of similarly )	
situated employees, )	
	)
Plaintiffs, )	<b>CIVIL ACTION NO.:</b>
	) <b>3:07-CV-617-MHT</b>
v. )	
	)
FLOWERS FOODS, INC., FLOWERS )	
BAKING CO., OF OPELIKA, LLC, and )	
FLOWERS BAKING CO. OF )	
THOMASVILLE, LLC, )	
	)
Defendants. )	

**PLAINTIFFS' MOTION TO EXTEND TIME FOR DEADLINE  
TO ADD ADDITIONAL PARTIES**

COME NOW Plaintiffs Charles Morrow, Michael Overton, James Marty Smith, Dwayne Cleveland, Michael Smith, Mark Murphy, Doug Branch, Lew Baxter, Ricky Small, Melvin Snow, Greg Patisaul, and Gary Chambliss and move this Court to extend the time for the Plaintiffs to add additional parties to a later date, based upon the following:

1. The current deadline for the Plaintiffs to add additional parties, as set out in the Report of the Parties' Rule 26 Planning Meeting, is January 3, 2008.
2. This is Plaintiffs' first request for extension of time.

3. Good cause exists to grant Plaintiffs' extension as the Court has not yet ruled upon the Plaintiffs' Motion for Conditional Certification, and thus the scope of the lawsuit remains to be decided.

4. Additionally, although Plaintiffs have served Defendants with Discovery, discovery is still in the early stage, Defendants have just begun to produce documents on a rolling basis and will not be completed for some time according to their estimates, Plaintiffs have yet to take any 30(b)(1) depositions nor have they taken the 30(b)(6) deposition that was subject of the Court's Order on Defendants' Motion for Protection. Lastly, Plaintiffs have yet to receive any data to help Plaintiffs ascertain whether additional parties still need to be joined in this action.

5. Plaintiffs further move the Court to extend the time an additional 60 days until March 3, 2008, for Defendants to add additional parties, so Plaintiffs will be allowed the benefit of discovery that has been served. Good cause exists and neither party will be prejudiced by the granting of this motion.

6. Plaintiffs' Counsel communicated with Kevin Hishta, counsel for Defendants concerning this request. By letter dated December 28, 2007, Defendants notified Plaintiffs that they do not consent to an extension of the deadline to add parties.

DATED: January 2, 2008

Respectfully Submitted,

/s/ Amy A. Weaver  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 2nd day of January, 2008, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to:

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